

The seal of the Indiana Supreme Court is a circular emblem. It features a central shield with a book and a scale of justice. The shield is surrounded by a wreath. The outer ring of the seal contains the text "SUPREME COURT" at the top, "STATE OF INDIANA" on the right, and "MDCCCXVI" at the bottom. The inner ring contains the Latin phrase "Jus Leges Supremum".

Domestic Relations Alternative Dispute Resolution Fund Plan Starter Kit

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ADR Program Basics

On July 1, 2003, legislation went into effect allowing counties to charge an additional \$20.00 fee to parties filing a petition for legal separation, paternity or dissolution of marriage, to be placed into an alternative dispute resolution fee fund. The funds must be used to foster domestic relations alternative dispute resolution, including mediation, reconciliation, non-binding arbitration, and parental counseling. Money in the fund must primarily benefit litigants who have the least ability to pay. Litigants with current charges or a former conviction of certain crimes relating to domestic violence are excluded from participating.

If a county wants to participate in an ADR program, it must develop an ADR plan consistent with the statute. The Executive Director of the Supreme Court, Division of State Court Administration must approve the plan.

Here are some highlights of the ADR programs:

- Currently, 25 counties have approved ADR plans, and several more counties are in the process of developing a plan. The counties with approved ADR plans are: Allen, Boone, Brown, Clark, Crawford, DeKalb, Henry, Jackson, Johnson, Lake, Lawrence, Marion, Martin, Monroe, Montgomery, Owen, Orange, Perry, Pike, Porter, Putnam, St. Joseph, Shelby, Starke and Tippecanoe.
- The ADR plans must contain an education component; the counties are required to educate the bar, social service agencies and their communities about the ADR program and its benefits.
- The ADR plans must also be coordinated with other relevant entities or programs in the community, such as the family court project, legal services, GAL/CASA, and the *pro bono* district.
- The counties are required to file an annual report summarizing the ADR program each year. Many of these programs are fairly new, so the data we have at this time is limited. However, the counties that have had an ADR plan in place for some time, such as Allen, have reported that a majority of the cases mediated are resolved. Over 2600 children were affected by the ADR fund plans in 2006.
- Some of the benefits of the ADR programs are:
 - they provide an opportunity for litigants involved in divorce and paternity litigation to mediate their dispute when their economic circumstances would otherwise limit their access to mediation;
 - mediation resolves issues much more quickly and efficiently and saves a tremendous amount of court time;
 - mediation reduces the adversarial hostility of the litigants and gives them a model as to how to resolve their disputes on their own;
 - mediation provides better access and more efficient processing for *pro se* parties; and

- parenting classes and counseling help parents to reduce conflict between them and to maintain a more positive parenting relationship for the sake of the children.
- In addition to mediation, some of the other programming that is being offered to litigants through the ADR plans includes:
 - parenting education classes to help parents learn to de-escalate conflict and arrive at acceptable resolutions on their own;
 - counseling programs designed to introduce parents to concepts of child-focused co-parenting and conflict resolution;
 - document preparation for pro se litigants; and
 - intensive home case management for high conflict cases involving children.

How ADR Programs Can Benefit Counties: Allen County's Experience¹

Allen County was the first county in Indiana to pilot an ADR fund program. They began in February 1998, with the following goals in mind:

- Minimize adversarial processes.
- Promote agreed resolutions.
- Avoid post-dissolution processes.
- Maximize timely case management.
- Conserve family relations and resources.

A December 1999 progress report showed the following dramatic results:

- The number of days running from filing to decree decreased by 53%.
- The wait for trial settings for cases exceeding one-half day decreased from 15 months away to 8 months away.
- The number of Senior Judge "days" necessary to process Waiver of Final Hearings increased from 1 day to 1.5 days.

In January 2000 Allen County began its second ADR plan, with the following additional goals:

- Identify and assist contentious families with counseling to prevent post-dissolution filings.
- Evaluate the effect of early intervention, specifically on post-dissolution filings.
- Provide means to resolve smaller disputes through "Free Mediation Days"

A December 2001 evaluation made these findings:

- Early mediation resolves cases earlier and is an effective case management tool. When all cases were referred to mediation at the time of provisional orders, the wait for a hearing on the court's calendar dropped to 8 months. When cases were referred at time of pre-trial conference the wait for a hearing increased to 11 months.
- Free Mediation Days resulted in settlement of 78% of cases presented.
- Establishment of "Problem-Solving for Divorced Parents" class, designed for especially contentious families, assisted with decreased numbers of post-dissolution filings.
- No cases that were settled through mediation in the Allen Circuit Court had any post-dissolution filings.

¹ Information provided by Judge Thomas J. Felts, Allen Circuit Court

I Want to Start an ADR Program: What Should I Do?²

- How much money will you have to work with? Check the number of annual Domestic Relations, legal separation and *private* (non-IV-D) paternity filings in your county--subtract from that number the cases for which a waiver of filing fee is approved --then multiply that number by \$20.00--that's roughly the amount of money you'll have to work with.
- Are there trained and certified domestic relations mediators in your county? One may be enough to get started.
- Allen and Lake Counties decided early on to use some of their ADR Fund monies to pay for training of mediators, who in exchange provided the Court with *pro bono* mediation services. Remember that the statute also allows for the use of Senior Judge.
- What is the ADR climate in your county? Is mediation widely used now in domestic relations cases, or will this be a new concept which may be met with resistance?
- Cultivate the local Bar right from the front: Meet with the Family Law and ADR sections of your local Bar--it gives them the opportunity to buy in from the beginning--they will appreciate being asked for their input, and you will gain useful information. If your county Bar doesn't have formal sections *per se*, you know who practices in these areas and with whom you should talk.
- Cultivate social service providers: Social service practitioners are big fans of ADR as an alternative to litigation--they can help you with community support and also can provide another potential pool of mediators (as domestic relations mediators do not have to be attorneys). These mediators are especially helpful in child-related cases.
- Provide a strong lead from the Bench: It's proven that ADR will and does work in family law cases--if you believe it and project that belief, the Bar will believe it too. Resist motions along the lines of "Judge, there's just no way this case can be successfully mediated--the parties are too emotional, too entrenched, etc., etc."
- Contact Loretta Oleksy at the Division of State Court Administration if you need assistance drafting your plan, or if you have specific questions regarding ADR plans.

² Information provided by Judge Thomas J. Felts, Allen Circuit Court

ADR Statutes and Rules

IC 33-23-6

Chapter 6. Circuit Court and Superior Court Domestic Relations Alternative Dispute Resolution

IC 33-23-6-1

Alternative dispute resolution fee

Sec. 1. (a) In addition to the fees required under IC 33-37-4-4, if a county meets the requirements of this chapter, the clerk of the court shall collect from the party filing a petition for legal separation, paternity, or dissolution of marriage under IC 31 an alternative dispute resolution fee of twenty dollars (\$20).

(b) Not later than thirty (30) days after the clerk collects a fee under subsection (a), the clerk shall forward to the county auditor the alternative dispute resolution fee. The county auditor shall deposit the fee forwarded by the clerk under this section into the alternative dispute resolution fund.

As added by P.L.98-2004, SEC.2.

IC 33-23-6-2

Alternative dispute resolution fund; copayment for services; prohibition on mediation

Sec. 2. (a) In each county participating in the program under this chapter, there is established an alternative dispute resolution fund for each of the following:

- (1) The circuit court.
- (2) The superior court.
- (3) The probate court established by IC 33-31-1.

(b) Notwithstanding subsection (a), if more than one (1) court exercises jurisdiction over domestic relations and paternity cases in a county, one (1) alternative dispute resolution fund may be established to be used by all the courts to implement this chapter if:

(1) the:

(A) county auditor; and

(B) judge of each court that exercises jurisdiction over domestic relations and paternity cases in the county;

agree to establish one (1) fund; and

(2) the agreement to establish the fund is included in the plan adopted by the county under section 3 of this chapter.

(c) The sources of money for each fund established under subsection (a) or (b) are:

(1) the alternative dispute resolution fee collected under section 1 of this chapter for the circuit court, superior court, or probate court, respectively; and

(2) copayments collected under subsection (d) if:

(A) a county chooses to deposit the copayments into the fund; and

(B) the county specifies in the plan adopted by the county under section 3 of this chapter that the copayments will be deposited in the fund.

(d) The funds shall be used to foster domestic relations alternative dispute resolution, including:

- (1) mediation;
- (2) reconciliation;

- (3) nonbinding arbitration; and
- (4) parental counseling.

Litigants referred by the court to services covered by the fund shall make a copayment for the services in an amount determined by the court based on the litigants' ability to pay. The fund shall be administered by the circuit, superior, or probate court that exercises jurisdiction over domestic relations and paternity cases in the county. A fund used by multiple courts under subsection (b) shall be administered jointly by all the courts using the fund. Money in each fund at the end of a fiscal year does not revert to the county general fund but remains in the fund for the uses specified in this section.

(e) Each circuit, superior, or probate court that administers an alternative dispute resolution fund shall ensure that money in the fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay, in accordance with the plan adopted by the county under section 3 of this chapter.

(f) A court may not order parties into mediation or refer parties to mediation if a party is currently charged with or has been convicted of a crime:

- (1) under IC 35-42; or

(2) in another jurisdiction that is substantially similar to the elements of a crime described in IC 35-42.

As added by P.L.98-2004, SEC.2. Amended by P.L.55-2005, SEC.1.

IC 33-23-6-3

Plan; judicial approval

Sec. 3. (a) A county desiring to participate in the program under this chapter must:

(1) develop a plan to carry out the purposes of section 2 of this chapter that is approved by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases; and

(2) submit the plan to the Judicial Conference of Indiana.

(b) The plan under subsection (a) must include:

(1) information concerning how the county proposes to carry out the purposes of the domestic relations alternative dispute resolution fund as set out in section 2 of this chapter; and

(2) a method of ensuring that the money in the alternative dispute resolution fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay.

The plan may include the use of senior judges as mediators in domestic relations cases as assigned by the supreme court. The judicial conference of Indiana may request additional information from the county as necessary.

As added by P.L.98-2004, SEC.2.

IC 33-23-6-4

Annual report

Sec. 4. A county that participates in the program under this chapter shall submit a report to the judicial conference of Indiana not later than December 31 of each year summarizing the results of the program.

As added by P.L.98-2004, SEC.2.

ADR Plan Approval Rule

Rule 1.11. Alternative Dispute Resolution Plans.

A county desiring to participate in an alternative dispute resolution program pursuant to IC 33-23-6 must develop and submit a plan to the Indiana Judicial Conference, and receive approval of said plan from the Executive Director of the Indiana Supreme Court Division of State Court Administration.

Adopted July 1, 2003, effective Aug. 1, 2003; amended Oct. 26, 2004, effective Jan. 1, 2005.

Use of Senior Judge as a Domestic Relations Mediator

IC 33-23-3-3

Service of senior judge

Sec. 3. A senior judge:

- (1) exercises the jurisdiction granted to the court served by the senior judge;
- (2) may serve as a domestic relations mediator, subject to the code of judicial conduct;
- (3) serves at the pleasure of the supreme court; and
- (4) serves in accordance with rules adopted by the supreme court under IC 33-24-3-7.

A senior judge serving as a domestic relations mediator is not entitled to reimbursement or a per diem under section 5 of this chapter. A senior judge serving as a domestic relations mediator may receive compensation from the alternative dispute resolution fund under IC 33-23-6 in accordance with the county domestic relations alternative dispute resolution plan.

As added by P.L.98-2004, SEC.2.

Standards and Guidelines for Establishment of Alternative Dispute Resolution Fund Plan

The Domestic Relations Committee in conjunction with the Alternative Dispute Resolution Committee and the Juvenile Justice Improvement Committee have developed the following standards and guidelines for implementation of an Alternative Dispute Resolution Fund Plan pursuant to Indiana Code 33-4-13(1) and Rule 1.11 of the Rules For Alternative Dispute Resolution. The approval of a Fund Plan by the Executive Director of the Indiana Supreme Court Division of State Court Administration will be based upon compliance with these standards and guidelines.

[Note: “Standards” are general provisions that must be in any Plan, e.g. all plans must provide for the disbursement of ADR Fund money in a way that primarily benefits those who can least afford to pay. “Guidelines” are merely suggested means to satisfy the standard requirements, e.g. the ADR Fund money will be used to pay for parental counseling for all parties whose combined income is below ____% of the federal poverty level.]

Standards

The Alternative Dispute Resolution Fund Plan must be based on the following standards:

1. The funds must be used to foster domestic relations alternative dispute resolution including mediation, reconciliation, nonbinding arbitration, and parental counseling, and the Plan must specify whether referral and/or acceptance will be mandatory, at the parties’ discretion, or a combination of both. The ADR rules apply if mediation is utilized.
2. The Plan must be approved by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases.
3. The Plan must primarily benefit those litigants who have the least ability to pay.
4. The Plan must require a co-payment for services in an amount determined by the court based upon the litigant’s ability to pay.
5. A party currently charged with or convicted of a crime under IC 35-42 or a crime in another jurisdiction substantially similar may not participate in the Plan.
6. An Annual Report containing the data requested (see attached form) must be submitted to the Judicial Conference of Indiana by December 31 of each year. Failure to submit the Annual Report will suspend operation of the Plan until further notice from the Division of State Court Administration.

Guidelines

The Alternative Dispute Resolution Fund Plan should contain the following information tailored to implement the particular purpose of the program:

1. Program Overview. A description of the Plan’s particular purpose or goal and the types of cases accepted by the Plan. This should include reference to the forms of alternative dispute resolution adopted by the Plan as well as indicating the date the Plan is to be effective and when the county will begin collecting the \$20.00 fee.
2. Eligibility Criteria. A description of the criteria used in determining if a party may participate in the Plan. This should include the financial qualifications of the parties including a co-payment

requirement and how the co-payment will be determined. A reference to parties who may not participate in the Plan by statute should also be included.

3. Referral and Acceptance Process. A description of how a case is referred to and accepted by the Plan. A referral may occur through the use of an application, by request of counsel or a party *pro se*, by the court on its own motion, or by any other method designed to apply the eligibility criteria. The acceptance of a case into the plan should also be described.

4. Plan Education. A description of how information about the Plan, including the assessment of a \$20.00 fee, will be distributed to the various sectors of the county, including but not limited to attorneys, other court/government personnel, social service agencies and providers, and the general public.

5. Plan Coordination. A description of how the Plan and the funds generated will coordinate with any or all of the programs that may exist in the county: other ADR/mediation/facilitation programs or practices, family court project, court interpretive services, CIP funded projects, GAL/CASA programs and *pro se/pro bono* programs.

6. Plan Administration. A description of how the Plan will be administered after a case is accepted by the Plan including who is eligible to mediate, the use of senior judges as mediators, the process of selecting and notifying a mediator, the hourly fee paid under the Plan, any limitations of time or expense per mediation, and the method of evaluating the results realized. The Plan should designate the person(s) responsible for management of the fund.

7. Plan Evaluation. A description of how success of the Plan will be measured, by means of case/calendar analysis, integration with other programs, sufficiency and dedication of resources, satisfaction of participants, etc.

8. Projected Budget. An estimate regarding the revenues to be generated from filing fees based upon prior cases filed and a reference to any other sources of funding such as grants from local organizations. The budget should distinguish between a circuit court fund and a superior court fund if both courts are involved and should estimate the amount of money the county expects to spend on identifiable aspects of the Plan.

Sample Plans and Forms

Allen County ADR Plan

Boone County ADR Plan

Porter County ADR Plan and Mediation Order

Tippecanoe County ADR Plan

Annual Report on Evaluation of ADR Plan

DOMESTIC RELATIONS
ALTERNATIVE DISPUTE RESOLUTION FUND PLAN
OF THE CIRCUIT AND SUPERIOR COURTS OF ALLEN COUNTY

June 2, 2003¹

The undersigned, who are all of the Circuit and Superior Court Judges who exercise jurisdiction over domestic relations and paternity cases in Allen County, Indiana, submit the following Alternative Dispute Resolution Domestic Relations Fund Plan to the Judicial Conference of Indiana, pursuant to IC 33-4-13 (1).

To foster domestic relations alternative dispute resolution in Allen County (including mediation, reconciliation, non-binding arbitration, and parental counseling), while ensuring that money in the fund is disbursed in a manner that primarily benefits those litigants who have the least ability to pay, we shall specifically:

1. Provide opportunities for parents involved in divorce and paternity litigation to mediate their child-related disagreements, when their economic circumstances would otherwise limit their access to certified domestic relations mediators.
2. Provide program tuition subsidies to low income parents who are involved in high conflict post-divorce and paternity litigation, so that such parents may complete intensive court ordered counseling programs designed to teach parents more effective conflict resolution, communication and problem solving skills, as it concerns their child-related disagreements.
3. Provide program tuition subsidies to low income parents at the early stages of domestic relations and paternity litigation, so that the parents may complete counseling programs designed to introduce the parents to concepts of child-focused co-parenting and conflict resolution, in order to minimize the effects that parental separation and conflict have on the children.
4. Provide support to encourage the members of the domestic relations bar and members of the counseling profession to collaborate and explore creative ways of fostering peaceful and healthy resolution of domestic relations and paternity disputes in a manner that does not involve litigation.
5. Investigate and implement efficient, and simple non-traditional Court policies and procedures for conducting simple domestic relations and paternity proceedings wherein low income pro se litigants may seek prompt resolution of their disputes.
6. Provide public education on the application of the Indiana Parenting Time Guidelines.
7. Develop and implement local Court rules, policies and procedures to encourage increased reliance upon alternative dispute resolution methods for resolution of paternity litigation.
8. Collect data and conduct an evaluation of the success of this plan.

This is an "amended" Plan submitted in February, 2004, at the request of the Division of State Court Administration following the adoption of official Standards and Guidelines promulgated by the Domestic Relations Committee of the Indiana Judicial Conference.

The funds shall be used to benefit domestic relations and paternity cases in Allen County exhibiting one or more of the following characteristics:

1. Cases involving minor children.
2. Cases where the Court has waived the filing fees due to indigency.
3. Cases where the parties have filed multiple post-decree motions related to issues involving the minor children.
4. Cases where one or more of the parties are proceeding pro se, without legal representation.
5. Cases where one or more of the parties has had little or no regular care responsibilities for a child.
6. Cases where the parties own no substantially valuable personal property and have no substantial equity in real property.
7. Cases where one of the parties is a member of the IV-D program.

Litigants who will be involved in programs using the fund will be referred from the following sources: litigant's self-referral, counsel for the parties and/or the presiding judicial officer. The Courts require mediation for all matters set for hearing one-half day or longer. All other matters may be referred to mediation at the Court's discretion or upon motion of the parties. The A.D.R. Rules shall apply if mediation is utilized. Absent exigent circumstances and prior Court approval, mediation sessions funded by the Plan shall generally be limited to not more than three hours in length, and mediators shall be paid at the rate of \$100.00 per hour. Free Mediation Day sessions are generally limited to one to two hours per case, but may be extended to three hours in the discretion of the Mediation Day coordinator. A sample Mediation Program Order is attached.

The Courts shall distribute information regarding the Plan to various sectors of the community (including attorneys, court and government personnel, social service agencies/providers and the general public) by: (1) issuing press releases throughout the year concerning the Plan, including the Courts' Free Mediation Days and other events associated therewith; (2) inviting print and electronic media to interview those associated with the Plan and to cover events associated therewith; (3) publishing the Plan and notices of events/opportunities concerning the Plan in the newsletter of the local family law bar; (4) educating Court staff about the Plan at staff training/meeting opportunities; and (5) informing audiences of the Plan at public speaking opportunities such as Courthouse tours, C.L.E. programs, community presentations, County Council meetings, and divorce education and parenting skills workshops (e.g. Family Connections programs). Further, the Courts will coordinate with the local family law bar, divorce education and parenting skills programs, the Allen Superior Court Model Court initiative, the Allen County Bar Association A.D.R. Committee and social service agencies/providers by offering training opportunities for joint programming, and by facilitating discussions to determine the feasibility of initiating an Allen County Family Court project. Further information regarding the Allen County Plan may be obtained from the Indiana Judicial Conference Domestic Relations Committee website.

The Allen Circuit Court estimates \$19,280.00 (*based on \$20.00 x 964 DR filings in 2002*) will annually be collected from filing fees for deposit into the alternative dispute resolution fund for the Allen Circuit Court. The alternative dispute resolution fund for the Allen Circuit Court shall be managed and administered on a day to day basis by Terri Berry, Assistant Court Administrator. *The estimated annual alternative dispute resolution fund budget for the Allen Circuit Court is attached.*

The Allen Superior Court estimates \$16,880.00 (*based on \$20.00 x 844 DR filings in 2002*) will annually be collected from filing fees for deposit into the alternative dispute resolution fund for the Allen Superior Court. The alternative dispute resolution fund for the Allen Superior Court shall be managed and administered on a day to day basis by Magistrate Thomas P. Boyer. *The estimated annual alternative dispute resolution fund budget for the Allen Superior Court is attached.*

Litigants referred by either Court to services covered by the fund shall make a co-payment for certain of the services in an amount determined by the Court based on each litigant's ability to pay. The Courts shall determine co-payment amounts based on criteria, such as: County Public Defender Eligibility Screening Guidelines and 150% of the Federal poverty rate.

Other funding sources that may be considered to supplement the above programs include: quasi-pro bono contributions of services from certified domestic relations mediators and community grant funding sought by counseling service providers to help finance counseling services.

A party charged with or convicted of a crime under I.C. 35-42 or a crime in another jurisdiction substantially similar to those listed under I.C. 35-42 may not participate in the Plan.

This Plan shall be deemed effective July 1, 2003, at which time the Clerk of Allen County shall commence collection of the statutory \$20.00 fee.

We shall submit a report to the Judicial Conference of Indiana not later than December 31 of each year. summarizing the results of the above program.

[REDACTED]

BOONE COUNTY
ALTERNATIVE DISPUTE RESOLUTION
FUND PLAN

The undersigned, who are all of the Circuit and Superior Court Judges who exercise jurisdiction over domestic relations and paternity cases in Boone County, Indiana, approve, adopt and hereby submit the following Alternative Dispute Resolution Domestic Relations Fund Plan (hereinafter referred to as the "Plan") to the Judicial Conference of Indiana, for approval, pursuant to IC 33-4-13 (1).

1. Program Overview

The purpose of the Plan is to provide alternative dispute resolution opportunities to litigants involved in dissolution of marriage, legal separation and paternity cases. The goal is to offer conflicted litigants the means to deescalate their relationship, arrive at acceptable resolutions, have ownership of the outcomes and provide a basis upon which to resolve later developing issues. Those litigants particularly intended to benefit from the implementation of the Plan are indigent or low-income litigants who appear pro-se. Only litigants who have any contested issue may be allowed to participate in alternative dispute resolution under the Plan.

The forms of alternative dispute resolution to be utilized may include mediation, facilitation, reconciliation and parental counseling. The form to be chosen for the particular litigant will be based on the issue presented for resolution, the attitude of the litigants; the availability of persons suitably trained to conduct the alternative dispute resolution and the best judgment of the Plan Administrator.

The Plan is to become effective with cases filed after 1 May, 2004. The clerk shall commence collecting the additional \$20.00 alternative dispute resolution fee, pursuant to IC 33-4-13-1, 1 April, 2004.

Forms, documents and reports to be filed with the Court with respect to alternative dispute resolution, to be adopted by the Boone County Alternative Dispute Resolution Fund Plan are being developed by the Plan Administrator.

2. Eligibility Criteria

The Plan is designed primarily for indigent or low-income litigants, whether represented by counsel or not, to give them an avenue to resolve their issues quickly, with little or no expense. Other litigants in the above mentioned cases will be required to make a co-payment or full payment for services based on the litigant's ability to pay.

Litigants in dissolution of marriage, legal separation and paternity actions, who are pro se and indigent or low-income are eligible to and will be required to participate in the Plan. Indigent or low-income litigants in those actions will be eligible to participate in the Plan if they are represented by counsel.

A party currently charged with or convicted of a crime under 1C 35-42 et seq. or a substantially similar crime in another jurisdiction may not participate in the Plan.

3. Financial qualifications

Indigent and low-income litigants may participate in the Plan at no cost. Other litigants will be required to make a co-payment or full payment for services, based on the litigant's ability to pay. The litigant's ability to pay will be determined by the sliding fee scale developed by Marion County based on standards of the Indiana Child Support Guidelines. A copy of the sliding fee scale is attached hereto.

Using the sliding fee scale the Plan Administrator will determine the family's ability to pay for services. If the family is not indigent the Plan Administrator will determine each party's contribution per hour. Such contribution will be based on the percentage of family income each party contributes. The Facilitator shall submit an invoice for the difference between the family's payment and \$100.00 per hour to the Boone County Auditor for payment not to exceed \$500.00.

Referral Process

The Plan is designed primarily for indigent or low-income litigants, whether represented by counsel or not, to give them an avenue to resolve their issues quickly, with little or no expense. Other litigants in the above mentioned cases will be required to make a co-payment or full payment for services based on the litigant's ability to pay. All pro se dissolution of marriage, legal separation and paternity cases are directly referred to the Plan Administrator by the Court in which the case is filed. An attorney shall make other referrals, when the adverse party is pro se, and there are contested issues the attorney cannot resolve through negotiation. Such cases involving indigents may be referred by any attorney who may be a designated Legal Aid attorney. Attorneys may refer their clients to the Plan administrator for an evaluation for services. The judges of the Courts may refer litigants to the Plan administrator for services.

5. Plan Education

Information about the plan, including the additional \$20.00 filing fee, its implementation, purpose and goals will be presented to the Boone County Bar Association at a regular monthly meeting, with advance notice. The Boone County attorneys will also be given handouts detailing purpose, goals, eligibility, the mandatory referrals, the optional referrals, the services to be offered and the financial impact on litigants. Court and other government personnel, social service agencies and providers will be given similar handouts and offers to speak to groups, associations and meeting will be made. The general public will be advised through newspaper and radio news and feature stories to be arranged.

6. Plan Coordination

This Plan will be the only formally organized ADR!Mediation/Facilitation Plan in the County. It should interface quite well with the Family Court Project. The Family Court Administrator will be the Plan Administrator (hereinafter referred to as the "Plan Administrator"). The Family Court Administrator is in position to learn of new referrals into family court. The Plan Administrator is in position to offer services to families in family court to resolve issues more quickly, efficiently and with the participants having ownership of the outcome. The Boone County CASA program will also have another source to which to refer families receiving CASA support and, in an informal setting, the CASA may be able to more effectively participate to achieve the best outcome for the child. The Boone County Bar Association Legal Aid program should feed into the Alternative Dispute Resolution Plan. The attorneys will have a source to which to refer litigants who do not qualify for Legal Aid, or for whom the Plan services offer the most expedient resolution of their issues. The Plan is designed primarily for indigent or low-income litigants, whether represented by counsel or not, to give them an avenue to resolve their issues quickly, with no or little expense, give them ownership of the outcomes.

7. Plan Administration

The Boone County Alternative Dispute Resolution Plan will be administered by the Family Court Administrator. Once a case has been referred to Facilitation, the order for facilitation will come to the Plan Administrator, Rita Bowman. She will conduct an intake interview with the parties, to explain in detail the matters regarding confidentiality, their participation, and the procedures of facilitation. The parties will sign a facilitation agreement outlining procedures and a consent to the release of relevant confidential records, including OFC records.

The Plan Administrator will obtain basic information from the parties regarding address, names of children and household members, pending litigation, copies of proof of income, i.e. pay voucher, etc., and OFC involvement. The parties may identify persons that they would like to be present for the facilitation as having relevant information about the issues. The Project Administrator will complete the intake form.

The Plan Administrator, or other persons suitably trained to conduct the alternative dispute resolution will be selected to conduct the Facilitation meeting. The length of the facilitation will depend upon the number of participants and the complexity of the issues involved. It is anticipated that three to four hours, or more may be needed to insure that the needs and views of each participant are heard and an agreement is carefully crafted to meet the needs of the particular situation.

The facilitation meeting includes an introduction clarifying the role of the facilitator as neutral to all the parties, and not providing any legal representation to any person present and clarification that no one is required to reach an agreement, but if an agreement is reached it will be binding on the parties if accepted by the Court. During the meeting all persons will be given an opportunity to present their information and opinions relevant to the issues under discussion. The facilitator will help all parties to reach an agreement on the issues. If an agreement is reached it will be

reduced to writing (or printed from a laptop computer), and will be signed by the parties at the meeting. The agreement will be presented to the Court for approval and a hearing will be scheduled if necessary.

When a family is referred to Facilitation, the Plan Administrator will determine the family's ability to pay for the services. The Plan is designed primarily for indigent or low-income litigants, whether represented by counsel or not, to give them an avenue to resolve their issues quickly, with no or little expense.

If the family is not indigent, but has limited funds, the Plan Administrator will use the sliding fee scale to determine each party's contribution per hour. The mediator will charge each party accordingly. The Facilitator/Mediator will submit an invoice to the Boone County Auditor for the difference up to \$100.00 per hour, not to exceed a total of \$500.00.

The Boone County Family Court Project Administrator estimates that an administration fee of \$20.00 per hour, will be reimbursed to the Family Court Project Fund from the Alternative Dispute Resolution Fund for administration of the Fund Plan. The Plan Administrator will submit an invoice to the Boone County Auditor for the total administrative and facilitation hours billed at the rate of \$20.00, to be disbursed from the Alternative Dispute Resolution Fund Plan and deposited in the Family Court Project Fund.

The alternative dispute resolution fund financial accounts for the Boone Circuit and Superior Courts shall be managed and administered on a day to day basis by Carol Barton, Boone County Auditor.

8. Plan Evaluation

The facilitator will provide each of the parties with a Participant Evaluation Form. The parties will be asked to complete the form and return it to the facilitator at the close of the session.

The Plan will be measured, by means of case/calendar analysis, integration with the Family Court Pilot Project and other programs, sufficiency and dedication of resources, satisfaction of the court, counsel and participants.

9. Projected Budget

The Boone Circuit Court estimates \$4,440.00 (*based on \$20.00 x 145 DR filing less collected in 2003; and 77 JP, filing_ fees collected in 2003*) will annually be collected from filing fees for deposit into the alternative dispute resolution fund for the Boone Circuit Court. Alternative Dispute Resolution Fund Account for the Boone Circuit Court shall be managed and administered on a day to day basis by Gretchen Smith, Boone County Auditor. *The estimated annual alternative dispute resolution fund budget for the Boone Circuit Court is attached.*

The Boone Superior Court I estimates \$2,740.00 (*based on \$20.00 x 137 DR filings in 2002*) will annually be collected from filing fees for deposit into the alternative dispute resolution

fund for the Boone Superior Court. Alternative Dispute Resolution Fund Account for the Boone Superior Court shall be managed and administered on a day to day basis by Gretchen Smith, Boone County Auditor. *The estimated annual alternative dispute resolution fund budget for the Boone Superior Court I is attached.*

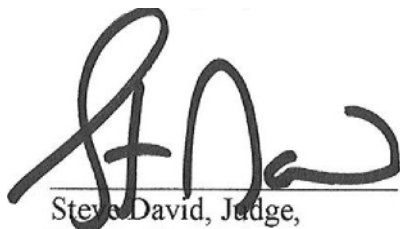
The Boone Superior II Court estimates \$2,340.00 (*based on \$20.00 x 117 DR filings in 2002*) will annually be collected from filing fees for deposit into the alternative dispute resolution fund for the Boone Superior Court. The Alternative Dispute Resolution Fund Account for the Boone Superior Court shall be managed and administered on a day to day basis by Gretchen Smith, Boone County Auditor. *The estimated annual alternative dispute resolution fund budget for the Boone Superior Court II is attached.*

The Boone County Alternative Dispute Resolution Fund Plan Administrator estimates that an administration fee of \$20.00 per hour, will be reimbursed to the Family Court Project Fund from the Alternative Dispute Resolution Fund for administration of the Fund Plan. The Plan Administrator will submit an invoice to the Boone County Auditor for the total administrative and facilitation hours billed at the rate of \$20.00, to be disbursed from the Alternative Dispute Resolution Fund Account and deposited in the Boone Family Court Pilot Project Fund Account.

All facilitation services performed by a facilitator other than the Facilitation Project Administrator shall be billed at a rate of \$100/hour not to exceed \$500 (approximately 5 hours of mediation). Any costs above this amount shall be the responsibility of the parties. It is strongly urged that if a facilitation is to go over 5 hours, the facilitator continues pro bono due to the financial difficulties of the client base.

10. The initial implementation of the Plan will focus on paternity cases, Phase I. marriage dissolution and legal separation issues, i.e. parenting time, etc., will be implemented in the future as Phase II.

11. Annual Report We shall submit a report to the Judicial Conference of Indiana not later than December 31 of each year, summarizing the results of the above program.

A stylized handwritten signature in black ink, appearing to read 'SD' with a flourish at the end.

Steven David, Judge,
Boone Circuit Court

1
B

A handwritten signature in black ink, appearing to read 'M. Kincaid'.

Matthew C. Kincaid, Judge
Boone Superior I Court

A handwritten signature in black ink, appearing to read 'James L. Detamore'.

James Detamore,
Boone Superior II

DOMESTIC RELATIONS ALTERNATIVE DISPUTE RESOLUTION FUND PLAN OF THE
SUPERIOR COURT AND CIRCUIT COURTS OF BOONE COUNTY
ESTIMATED ANNUAL BUDGET
December 1, 2003 - November 30, 2004

**THE ESTIMATED ANNUAL DOMESTIC RELATIONS ALTERNATIVE DISPUTE
RESOLUTION FUND BUDGET FOR THE BOONE CIRCUIT COURT.**

Annual Income from Filing Fees:

\$4,440.00 (*based on \$20.00 x 122 DL? filings; and 110 JP filings in 2002*)

Expenses:

\$1,887.00 Contracted ADR Facilitator Services

593.85 Parental Counseling Fee Subsidies for High Conflict Post Decree Matters

\$1887.00 Contracted ADR Coordination and Evaluation Services

72.15 ADR Training & Certification Costs

[1/6 reimbursement to Family Ct Project Fund annually x 2]

\$4,440.00 TOTAL ADR Expenses.

DOMESTIC RELATIONS ALTERNATIVE DISPUTE RESOLUTION FUND PLAN OF THE
SUPERIOR COURT AND CIRCUIT COURTS OF BOONE COUNTY
ESTIMATED ANNUAL BUDGET
December 1, 2003 - November 30, 2004

THE ESTIMATED ANNUAL DOMESTIC RELATIONS ALTERNATIVE DISPUTE
RESOLUTION FUND BUDGET FOR THE BOONE SUPERIOR COURT I.

Annual Income from Filing Fees:

\$2,740.00 (based on \$20.00 x 137 DR filings in 2002)

Expenses:

\$ 1,164.50 Contracted ADR/Facilitator Services and/or

338.85 Parental Counseling Fee Subsidies for High Conflict Post Decree Matters

1,164.50 Contracted ADR Coordination and Evaluation Services

72.15 ADR Training & Certification Costs

[1/6 reimbursement to Family Ct Project Fund annually x 2]

\$2,740.00 TOTAL ADR Expenses.

DOMESTIC RELATIONS ALTERNATIVE DISPUTE RESOLUTION FUND PLAN OF THE
SUPERIOR COURT AND CIRCUIT COURTS OF BOONE COUNTY
ESTIMATED ANNUAL BUDGET
December 1, 2003 - November 30, 2004

THE ESTIMATED ANNUAL DOMESTIC RELATIONS ALTERNATIVE DISPUTE
RESOLUTION FUND BUDGET FOR THE BOONE SUPERIOR COURT II

Annual Income from Filing Fees:

\$2,340.00 (based on \$20.00 x 117 DR filings in 2002)

Expenses:

\$ 994.10 Contracted ADR/Facilitator Services andlor

279.65 Parental Counseling Fee Subsidies for High Conflict Post Decree Matters

994.10 Contracted ADR Coordination and Evaluation Services

72.15 ADR Training & Certification Costs

[116 reimbursement to Family Ct Project Fund annually x 2]

\$2,340.00 TOTAL ADR Expenses.

Boone County Alternative Dispute Resolution Sliding Fee Scale

Only children of the cause should be considered when using this scale.

Copay figure is the amount that the party should pay per hour

Annual Income	Weekly Income	Parents of 1 Child	Parents of 2 Children	Parents of 3 Children
Less than \$17,499	<\$288	\$ -	\$ -	\$
\$17,500 - \$19,999	\$337-\$384	\$ 5.00	\$ -	\$ -
\$20,000 - \$22,499	\$385-\$433	\$ 10.00	\$ 5.00	\$ -
\$22,500 - \$24,999	\$434-\$481	\$ 15.00	\$ 10.00	\$ -
\$25,000 - \$27,499	\$482-\$529	\$ 20.00	\$ 15.00	\$ -
\$27,500 - \$29,999	\$530-\$577	\$ 25.00	\$ 20.00	\$ 5.00
\$30,000 - \$32,499	\$578-\$625	\$ 30.00	\$ 25.00	\$ 10.00
\$32,500 - \$34,999	\$626-\$673	\$ 35.00	\$ 30.00	\$ 15.00
\$35,000 - \$37,499	\$674-\$721	\$ 40.00	\$ 35.00	\$ 20.00
\$37,500 - \$40,000	\$722-\$769	\$ 45.00	\$ 40.00	\$ 25.00

Scale Rational:

*This scale is based on the total family income

"*The contribution of each **individual** should be figured by the percentage of the family income that the **individual provides**

REVISED
Porter Circuit Court and Porter Superior Court Alternative Dispute
Resolution Fund Plan

THE UNDERSIGNED, BEING ALL OF THE JUDGES OF THE PORTER SUPERIOR COURT, AS WELL AS, THE JUDGE OF THE PORTER CIRCUIT COURT, HAVE ELECTED TO ESTABLISH AN ALTERNATIVE DISPUTE RESOLUTION PLAN JOINTLY AND TO WORK COOPERATIVELY TO ENSURE THAT THE PORTER COUNTY ALTERNATIVE DISPUTE RESOLUTION PLAN IS AN EFFECTIVE COMPONENT OF THE PORTER COUNTY FAMILY COURT. TO THAT END, THE FOLLOWING ALTERNATIVE DISPUTE RESOLUTION PLAN IS ORDERED ADOPTED FOR ALL COURTS IN PORTER COUNTY AND SHALL BE SUBMITTED TO THE JUDICIAL CONFERENCE OF INDIANA PURSUANT TO IC 33-4-13(1).

I. PROGRAM OVERVIEW

The Porter County Alternative Dispute Resolution Program will promote a means by which underprivileged families to access affordable mediation services, education, counseling, and other appropriate options for conflict resolution. Under the supervision of the Porter County Family Court Division, the program will manage and coordinate funding and services for eligible couples with children who have an open dissolution of marriage, legal separation, or paternity proceeding in the Porter County court system. Funding for services will be drawn from the ADR fund created pursuant to House Enrolled Act No. 1034 effective July 1, 2003. Porter County was given contingent approval of it's plan on August 5, 2003. Programs shall include, but are not limited to, mediation and intensive in home case management. Case management may encompass parental counseling, education, family home monitoring/observation, and family service referral. The Family Court Division currently provides free paternity mediation services, intensive case management services, community service access, and case tracking for families who have multiple court involvement in Porter County.

It is the hope of the Family Court that programming will allow a constructive process by which couples can maintain a positive parenting relationship so that they are empowered to make their own decisions regarding the future of their family. Not only will the program allow the family to realize positive relationships, but the programming shall provide support to the members of the local family law bar in order to explore creative ways to collaborate and address the peaceful and healthy resolution of domestic relations and paternity disputes so litigation is minimized. Programming will also be used to investigate and implement non-traditional Court policies and procedures for domestic relations and paternity disputes wherein low income pro se litigants can seek swift resolution of their cases.

II. ELIGIBILITY

Couples with children who have a pending dissolution of marriage or paternity action in the Porter County court system may be eligible for services under this plan. Families referred should meet financial requirements (130% Federal Poverty Index (FPI)) as set by the Family Court Division in order to access funding for services rendered. Each household's gross annual income shall be reviewed. Although the top priority of the Family Court Division is to fund services to families who are under the 130% FPI, certain cases which do not fall under the appropriate FPI may be approved for funding and programming as determined by the Family Court Supervising Judge. A co-pay responsibility will be set which will be based upon the financial circumstances of the parties.

Parties "currently charged with or have been convicted of a crime under IC 35-42 or in another jurisdiction that is substantially similar to the elements of a crime described in IC 35-42" may not be ordered or referred to this program per statute. Crimes listed under IC 35-42 are as follows: Homicide, Battery and Related Offenses, Kidnapping, Confinement, Sex Crimes, and Robbery.

III. PROCEDURAL OVERVIEW

Referrals to the Program:

All referrals to the program must go through the Family Court Division office. If a court believes a family is eligible for services, a court order must be entered stating that the family and/or their attorney shall contact the Family Court Division within 10 days of the order to determine if eligible for program services and funding. The order shall state the nature of services needed (ie: mediation, intensive case management). Attorneys for the parties shall complete a referral form and forward it to the Family Court Division within 10 days of the order.

If a pro se litigant or attorney believes the family is eligible for services and funding, the Family Court must be contacted in order to determine eligibility. The Family Court Supervisor shall complete the referral form upon contact with the referral source.

Services provided by the plan may be court-ordered or voluntary.

Eligibility Determination:

All referrals shall be reviewed by the Family Court Supervisor within 24 (business) hours of receipt. Financial eligibility may be determined by following the FSSA's guidelines for Food Stamps eligibility at 130% Federal Poverty Index. A records check of JALEN shall be performed on both parties to ensure neither party has current criminal charges and/or convictions under IC 35-42 which would exclude them per statute from participation in this program.

If a family is eligible for services under this program, the Family Court Supervisor shall contact the Supervising Judge of the Family Court in order to review the case and have an order entered approving the use of program funding, the type of services which will be funded, and the co-pay the parties are ordered to pay. This order is forwarded to the originating court and all parties.

If a family is determined ineligible for services, the Family Court Supervisor shall submit in writing to the referral source the reason(s) for decline of services. When appropriate, other funding resources for the provision of mediation services may be utilized.

Mediation Orders:

If mediation is ordered, the Family Court Supervisor shall forward a list of Family Court approved mediators to the parties' attorneys, or to the litigants if they are pro se. The attorneys/pro se litigants, shall choose a mediator within 10 days of receipt of the list and contact the Family Court Supervisor with the decision. The Family Court Supervisor, in turn, shall notify the chosen mediator in writing within 48 (business) hours. All mediation services performed under this plan shall follow the Rules for Alternative Dispute Resolution.

Case Management Orders:

If the family is eligible for intensive case management services, the Family Court Supervisor shall notify the Special Services Case Manager with the referral within 24 (business) hours upon court order. The case manager, in turn, will contact the parties within 24 (business) hours in order to schedule an appointment.

Case Management may include, but is not limited to, family home monitoring/observation, parental/reconciliation counseling, education, and service referral. All services are to be performed in the family's home and shall be free to the client's served.

Completion of Services:

Mediation: Once mediation is completed, the mediator shall complete a Mediation Outcomes form and forward it to the Family Court Supervisor and the originating court. The mediator shall also forward an itemized bill to the Family Court Supervisor in order for payment

of services to commence, if applicable. The Family Court Supervisor, in turn, shall submit the mediation billing to the Porter County Auditor's Office within 24 (business) hours.

Case Management: Once case management services are completed, the Special Services Case Manager shall submit a report to the Family Court Supervisor for review. Reports may include, but are not limited to, the case manager's home observations, the family's agency involvement, service referrals made by the case manager, and the family's follow-up with referrals. Upon approval, the case manager shall forward the report to all parties and the originating court.

IV. FINANCIAL OVERVIEW

All services provided to eligible families shall be paid for out of the Porter County Alternative Dispute Resolution Fund (PCADRF) created under House Enrolled Act No. 1034 effective July 1, 2003. Under this act, the Porter County Clerk "shall collect from the party filing a petition for legal separation, paternity, or dissolution of marriage under IC 31 an alternative dispute resolution fee of twenty dollars (\$20)". Porter County was given approval to collect this fee on August 5, 2003. This fee shall be forwarded to the Porter County Auditor by the Porter County Clerk within thirty (30) days upon receipt. The fee shall be placed in the PCADRF, which shall, pursuant to statute, be a non-reverting fund. A senior judge who serves as a domestic relations mediator is eligible to receive compensation from this fund.

Service Costs: *Mediation:* All mediation services, performed by attorney mediators approved by the Family Court, shall be billed at a rate of \$95/hour not to exceed \$500 (approximately 5 hours of mediation). Any costs above this amount shall be the responsibility of the parties. It is strongly urged that if a mediation is to go over 5 hours, the mediator continues pro bono due to the financial difficulties of the client base. Referred parties will be assessed a co-pay for mediation services based upon the family's financial circumstances. Any co-payments collected by the Family Court shall be forwarded to the Porter County Auditor for deposit in the designated ADR Fund. Further, if parties choose, mediation services can be provided by a staff Family Court mediator without a financial cap on services.

Case Management: All case management services shall be free to the clients served. The Family Court shall receive an allotment from the Porter County Alternative Dispute Resolution Fund to aid in the salary of the Special Services Case Manager.

Budget Narrative:

Based on 2002 court statistics, Porter County had 832 dissolution of marriage cases filed and 104 private paternity cases filed (Note: this number does not reflect the 143 IV-D filings per year). Overall, it is our hope to generate approximately \$18,000 yearly through the use of the Alternative Dispute Resolution Fee. Of this revenue, \$14,000 shall go towards the salary and

benefit packages of both the Family Court Mediation Coordinator, who also performs the majority of Family Court mediation services, and the Family Court Special Services Case Manager. Approximately \$4,000 may go towards the cost of attorney performed mediation services. If our statistics continue to run true, between staff and attorney mediation services, approximately 85 mediation sessions will be completed per year within the Divorce and Paternity Courts.

V. EVALUATION

The Porter County Alternative Dispute Resolution Program shall maintain statistics including, but not limited to, the following information:

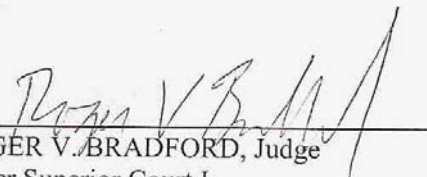
1. Number of Referrals (accepted/declined services)
2. Demographics of Families
3. Origin of Referrals
4. Representation of Parties
5. Success Rates of Programming
6. Length and Average Costs of Programming per Family

An additional evaluation component in the form of a blind survey will be distributed to those who participated in programming. All survey results and a statistical overview shall be collected by the Family Court Supervisor and forwarded to the Indiana Judicial Conference as requested. The Porter County Family Court shall also submit the completed “*Annual Report on Evaluation of Alternative Dispute Resolution Plan*” form to the Judicial Conference not later than December 31st of each year, summarizing the results of the program.

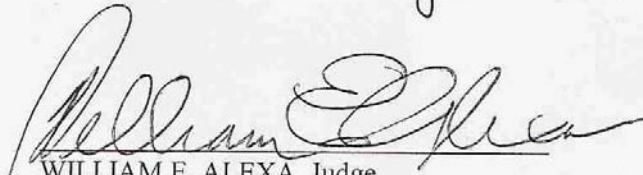
VI. COMMUNITY EDUCATION

Because the ADR Program will be administered by the Porter County Family Court Division, it will be under the direct jurisdiction of the Porter County Courts. Additionally, the Porter County Family Court Advisory Board may have input into the procedures for this program. This Board, comprised of several local bar members and community social service agencies, will allow for easier distribution of the ADR Plan and project objectives and goals. Also involved in educating the community and bar will be the Porter County Clerk’s Office. The Clerk’s Office has posted notices regarding the new fee and will also post a copy of the approved ADR Plan.

Respectfully Submitted to the Indiana Judicial Conference this 24 day of May, 2005.




ROGER V. BRADFORD, Judge
Porter Superior Court I



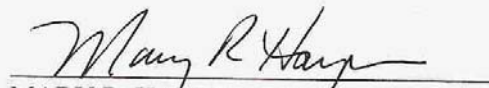
WILLIAM E. ALEXA, Judge
Porter Superior Court II



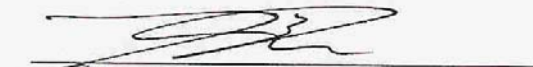
JULIA M. JENT, Judge
Porter Superior Court III



DAVID L. CHIDESTER, Judge
Porter Superior Court IV



MARY R. HARPER, Judge
Porter Circuit Court/Superior Court V



JEFFREY L. THODE, Judge
Porter Superior Court VI

STATE OF INDIANA

) IN THE PORTER CIRCUIT
COURT

COUNTY OF PORTER

) SS:
) CONTINUOUS TERM, 2005

IN RE THE ASSIGNMENT OF
FAMILY COURT MEDIATION

)
) CAUSE NO: 64C01-0305-MI-

MEDIATION ORDER

The Court has determined that the following case(s) are appropriate for mediation services:

Mediation must be completed within 30 days of this order with a copy of the Mediation Outcome submitted with the appropriate courts, as well as the Family Court Supervisor for billing purposes. The parties must agree upon a mediator who will be reimbursed by the Porter County Alternative Dispute Resolution Fund at a rate of ninety-five dollars (\$95.00) per hour not to exceed five-hundred dollars (\$500.00). The Petitioner is now ordered to pay a co-pay of _____ per hour of mediation performed. The Respondent is now ordered to pay a co-pay of _____ per hour of mediation performed. Parties can be ordered to reimburse the county for accrued mediation costs as the Court deems appropriate. Payments (exact cash or money order) are to be made to the Family Court Administrative Offices located at 1660 South State Road 2, Valparaiso, IN 46385 within thirty (30) days of the completion of mediation.

ALL OF WHICH IS ORDERED this _____ day of _____, 2005.

MARY R. HARPER, Supervising Judge
Porter County Family Court/ Judge, Porter Circuit Court

**TIPPECANOE COUNTY ALTERNATIVE
DISPUTE RESOLUTION FUND PLAN**

The undersigned who are all of the Circuit and Superior Court Judges who exercise jurisdiction over domestic relations and paternity cases in Tippecanoe County, Indiana, approve, adopt and hereby submit the following Alternative Dispute Resolution Domestic Relations Fund Plan (hereinafter referred to as the "Plan") to the Judicial Conference of Indiana, for approval, pursuant to I.C. 33-4-13(1).

1. Program Overview

The purpose of the Plan is to provide alternative dispute resolution opportunities to litigants involved in dissolution and paternity cases. The goal is to offer conflicted litigants the means to deescalate their relationship, arrive at acceptable resolutions, have ownership of the outcomes, and provide a basis upon which to resolve later developing issues. Those litigants particularly intended to benefit from the implementation of the Plan are indigent or low-income litigants. Services will also be offered to litigants who can afford to pay based upon a sliding fee scale. It is anticipated that services will also be provided to litigants who do not need any subsidy for the costs of services. Only litigants who have a contested issue may be allowed to participate in alternative dispute resolution under the Plan.

The forms of alternative dispute resolution to be utilized may include mediation, facilitation, parenting coordination, and service referrals to more appropriate agencies to meet a family's needs- Parenting coordination is a service for highly litigious families for which a parenting coordinator is assigned who will attempt to facilitate agreements between the parties, but who is empowered to break an impasse between the parties by exercising independent judgment on what is in the children's best interest in the given dispute, and who will continue to report to the court regarding progress in the case. The form to be chosen for the particular litigant will be based on the issue presented for resolution, the attitude of the litigants, the availability of persons suitably trained to conduct the alternative dispute resolution, and the best judgment of the Plan Administrators. It is anticipated that the primary service provided to Plan participants will be mediation. Families with a history of frequent litigation, for which mediation has failed, or that the Program Administrators anticipate will have a need for multiple interventions will be referred to facilitation or parenting coordination services. Upon completion of the intake process, the parties, and their attorneys if applicable, will be advised of the form of ADR to be utilized and informational material regarding the services to be provided will be given to the participants at the in-take meeting. The Indiana ADR Rules shall apply in all mediation cases, but shall not apply in facilitation or in parenting coordination cases.

The goal is for the Plan to become effective with appropriate case referrals as soon as possible after this Plan has been approved by the Judicial Conference of Indiana. The Clerk shall commence collecting an additional \$20.00 alternative dispute resolution fee, pursuant to I.C. 33-4-13-1, as soon as the Plan is submitted to the Indiana Judicial Center for approval.

Forms, documents, and reports to be filed with the Court with respect to alternative dispute resolution to be adopted by the Tippecanoe County Alternative Dispute Resolution Fund Plan are being developed by the Plan Administrators.

2. Eligibility Criteria

Litigants in dissolution and paternity cases are eligible to participate, and will be required to participate in the Plan if ordered by the Court. Acceptance in the Plan will be both discretionary at times (attorney or self referrals) and mandatory at times (court ordered participation). Indigent or low-income litigants in those actions will be eligible to participate in the Plan whether represented by counsel or not. While the Plan is designed primarily for indigent or low-income litigants, to give them an avenue to resolve their issues quickly, with little or no expense, all litigants in the referenced types of cases should be considered for referral to the Plan. Litigants in the above mentioned cases will be required to make a co-payment or full payment for services based upon the litigant's ability to pay.

A party currently charged with or convicted of a crime under I.C. 35-42 *et seq.* or a substantially similar crime in another jurisdiction may not participate in the Plan.

3. Financial qualification

Indigent litigants (those whose income falls below the sliding *fee scale*) may participate in the Plan with a nominal one-time *fee* of \$ 10.00. Other litigants will be required to make a co-payment or full payment for services, based on the litigant's ability to pay. The litigant's ability to pay will be determined by the attached sliding fee schedule, and will be allocated between the parties based upon income percentages as determined under the Indiana Child Support Guidelines.

Using the sliding fee, the Plan Administrators will determine the family's ability to pay for services. If the family is not indigent, the Plan Administrators will determine each party's contribution per hour. Such contribution will be based on the *percentage of* family income each party contributes. The Facilitator/Mediator shall submit an invoice for the difference between the family's payment and \$100.00 per hour to the Tippecanoe County Auditor for payment from the Auditor not to exceed \$500.00 for mediation and facilitation services. Parenting coordination services shall not have a cap that may be billed for services. Families determined to be financially able to pay for services shall not have a cap on the total amount that may be charged for the services. It is anticipated that no service will be billed at an hourly rate greater than \$150.00. Families that meet the financial eligibility guidelines to be subsidized by the Alternative Dispute Resolution Fund shall not be charged more than \$100.00 per hour for services notwithstanding the type of service provided, and the Fund shall never be charged more than \$75.00 per hour. The program will use registered mediators from Tippecanoe County on a rotating basis to provide mediation and facilitation services to program participants. The Plan Administrators will poll registered mediators from Tippecanoe County to create a pool of individuals willing to accept referrals from the program.

The program participation fee for indigent participants and the co-pays and private pay fees will all be collected on or before the day the ADR service is provided. The fees will be

collected by the individual providing the ADR services, and all fees collected by the service provider will be retained by the provider to pay for the services. A claim fully detailing all service time provided the given family *and* fully detailing all payments made by the family, will then be submitted to pay, from the Fund, any remaining balance owed for the services.

While the Plan is developed to provide services to families able to pay full market rate for ADR services, such families will always have the option to hire private mediation, facilitation, and other ADR services at their discretion. The Plan is an option for consideration in the provision of ADR services, but it is not intended for the courts to mandate the use of the Plan in all ADR cases.

4. Referral Process

Parties in dissolution and paternity cases, in which there are contested issues that the parties are unable to resolve, may be referred to the Plan Administrators by the Court in which the case is filed. Litigants in these cases may refer themselves to the Plan, whether pro se or not. An attorney may make referrals when there are contested issues the attorney cannot resolve through negotiation. The judges of the Courts and attorneys may refer litigants to the Plan Administrator for an evaluation for services.

5. Plan Education

Information about the Plan, including the additional \$20.00 filing fee, the Plan's implementation, purpose, and goals will be presented to the Tippecanoe County Bar Association at a meeting, with advance notice. The Tippecanoe County attorneys will also be given handouts detailing the purpose, goals, eligibility, referral process, services to be offered, and Financial impact on litigants. Court and other government personnel, social service agencies, and providers will be given similar handouts, and offers to speak to groups, associations and meetings will be made. The general public will be advised through newspaper and radio news and feature stories to be arranged.

6. Plan Coordination

This Plan will be a formally organized ADR/Mediation/Facilitation Plan that should interface quite well with the Family Court Project of Tippecanoe County. The Family Court Alternative Dispute Resolution Committee will oversee the Plan. The Plan Administrators shall be Dr. Shay Daley and Cynthia Garwood. The Plan Administrators are in a position to offer services to families in litigation to resolve issues more quickly, efficiently, and with the participants having ownership of the outcome. The Tippecanoe County Legal Aid program should feed into the Alternative Dispute Resolution Plan. The attorneys will have a source to refer litigants who do not qualify for Legal Aid, or for whom the Plan services offer the most expedient resolution of their issues. The Plan is designed primarily for indigent or low-income litigants, whether represented by counsel or not, but it is also designed to serve litigants who do have resources to pay for these services, to give them an avenue to resolve their issues quickly, with reduced expense, give them ownership of the outcomes, and to relieve the burden litigants in family disputes can be to the Courts.

7. Plan Administration

The Tippecanoe County Alternative Dispute Resolution Plan will be administered by the Family Court Alternative Dispute Resolution Committee. Once a case has been referred to Alternative Dispute Resolution Services, the order for facilitation will come to the Plan Administrators. One of the Plan Administrators will conduct an intake interview with the parties to explain in detail the matters regarding confidentiality, participation, procedures, and consent to proceed with facilitation. The parties will sign a facilitation agreement outlining procedures and a consent to the release of relevant confidential records, including OFC records.

The Plan Administrators will obtain basic information from the parties regarding address, names of children and household members, pending litigation, copies of proof of income, i.e., pay voucher, etc., and OFC involvement. The parties may identify persons that they would like to be present for the facilitation as having relevant information about the issues. A part-time staff, person to the Project Administrators will schedule necessary appointments for the Plan participants, complete intake forms, and manage information files on Plan participants

The Plan Administrators or other persons suitably trained to conduct alternative dispute resolution will conduct the mediation or facilitation meeting. The length of the facilitation will depend upon the number of participants and the complexity of the issues involved. It is anticipated that three to four hours, or more, may be needed to insure that the needs and views of each participant are heard and an agreement is carefully crafted to meet the needs of the particular situation.

The mediation or facilitation meeting includes an introduction clarifying the role of the mediator or facilitator as neutral to all the parties, and not providing any legal representation to any person present and clarification that no one is required to reach an agreement, but if an agreement is reached, it will be binding on the parties if accepted by the Court. During the meeting, all persons will be given an opportunity to present their information and opinions relevant to the issues under discussion. The mediator or facilitator will work to help all parties to reach an agreement on the issues. If an agreement is reached, it will be reduced to writing (or printed from a laptop computer), and will be signed by the parties at the meeting. The agreement will be presented to the Court for approval, and a hearing will be scheduled, if necessary. If the parties are not able to reach an agreement, a report of impasse will be filed with the Court in which the case is pending so that further court action may be taken.

When a family is referred to the Alternative Dispute Resolution Fund services, the Plan Administrators will determine the family's ability to pay for the services. The Plan is designed for litigants of all financial means involved in dissolution or paternity cases, with an emphasis placed on providing services to indigent or low-income litigants whether represented by counsel or not.

If the family is not indigent, but has limited funds, the Plan Administrators will use the sliding fee scale to determine each party's contribution per hour. The Facilitator/Mediator will charge each party accordingly. The Facilitator/Mediator will submit an invoice to the Tippecanoe County Auditor for the difference up to \$100.00 per hour, not to exceed a total of \$500.00 (except there is no cap for parenting coordination services) in cases meeting the eligibility guidelines for being subsidized by the Alternative Dispute Resolution Fund.

The alternative dispute resolution fund financial accounts for the Tippecanoe Circuit and Superior Courts shall be managed and administered on a day-to-day basis by Robert A. Plantenga, Tippecanoe County Auditor.

8. Plan Evaluation

The facilitator will provide each of the parties with a Participant Evaluation Form. The parties will be asked to complete the form and return it to the facilitator at the close of the session.

The Plan will be measured by means of case/calendar analysis, integration with the Family Court Project and appropriateness of referrals to other programs, dedication of resources, and satisfaction of the court, counsel and participants.


9. Project Budget

It is estimated that the Tippecanoe Circuit Court filings will generate \$4,440.00 (based on \$20.00 X 145 DR filing fees collected in 2003 plus 77 JP filing fees collected in 2003) annually from filing fees for deposit into the Alternative Dispute Resolution Fund, and the Superior Courts I and II will generate \$5080.00 (based on \$20.00 X 254 DR filings in 2003). The Alternative Dispute Resolution Fund Account for the Tippecanoe Circuit and Superior Courts shall be managed and administered on a day-to-day basis by Robert A. Plantenga, Tippecanoe County Auditor. The estimated annual alternative dispute resolution fund budget for the Tippecanoe Circuit and Superior Courts is attached.

The initial implementation of the Plan will begin as soon as possible after the approval of the Plan by the Indiana Judicial Center.

10. Annual Report

We shall submit a report to the Judicial Conference of Indiana no later than December 31 of each year, summarizing the results of the above program.



**DOMESTIC RELATIONS ALTERNATIVE DISPUTE
RESOLUTION FUND PLAN OF THE CIRCUIT COURT AND
SUPERIOR COURTS OF TIPPECANOE COUNTY**

**ESTIMATED ANNUAL BUDGET
January 1, 2004 - December 31, 2004**

Annual Income from Filing Fees:

\$9,520.00 (based on \$20.00 X 399 DR filings; and 77 JP filings in 2003)

Expenses:

\$5,770.00 - Contracted ADR/Facilitator Services and/or Parenting Coordination

\$3,750.00 - Administrative services: start-up costs, community and bar education regarding program and services, intake and referral services, and ongoing administration

\$9,520.00 TOTAL ADR Expenses

It is unclear at this time the amount the parties will pay directly for services, so we have not yet budgeted for such funds.